

**Statement of Linda Vail, MPA  
Health Officer, Ingham County Health Department**



**December 17, 2014**

Thank you, Chair Haveman and committee members, for the opportunity to testify before you today.

I have had the privilege of serving as public health officer in two counties within the state of Michigan, first in Kalamazoo County and currently in Ingham County. I also sit on the faculty at Western Michigan University in the College of Health and Human Services, teaching health policy analysis. Additionally, I am a community instructor at the Homer Stryker M.D. School of Medicine. I have firsthand knowledge and experience regarding the intersection of law and public health. While at the helm of two different health departments, I have steered county health workers and county policies in the best interest of the public's health for more than 15 years. I have personally enforced laws regarding non-disclosure of infection status, and I have found the experience conflictual as a public health worker. Based upon my experience, I am here to testify in opposition to SB 1130.

All of us here today want to keep our communities healthy and safe. This includes ensuring that everyone in our great state is safe from diseases, including hepatitis C. There is no doubt that hepatitis C is a serious infection, but this bill will effectively undermine public health efforts to reduce the spread of infection and will delay treatment for people with hepatitis C.

There are two reasons I am in opposition to this law. The first is that it conflicts with science. According to the Centers for Disease Control and Prevention (CDC), the risk of hepatitis C transmission from sexual contact is low.<sup>i</sup> For instance, "a low prevalence of [hepatitis C] infection has been demonstrated in studies of long-term spouses of patients with chronic infection who had no other risk factors." The CDC states that sexual transmission of hepatitis C is "possible but inefficient."<sup>ii</sup> Hepatitis C transmission primarily occurs through intravenous drug use. This is followed by receipt of blood, blood products and organs before 1992, needle sticks in health care settings, and birth to an infected mother.<sup>iii</sup> Again, sexual transmission of hepatitis C is infrequent, and sexual contact is not the primary route of transmission.

The second and primary reason I am in opposition to SB 1130 is because it creates stigma and causes friction between patients and public health departments. A growing body of research shows that criminalization of non-disclosure of infection status can discourage people at risk from getting tested because of the stigma it creates. Since hepatitis C is chronic for most, people may fear that testing would only open them up to criminal prosecution without benefit since treatment is not always possible. Additionally, the proposed law breeds mistrust between health

care providers and those seeking care by giving patients the feeling that health care providers are 'policing' their private lives. Both the CDC and the U.S. Department of Justice caution against increased disease criminalization and note that general criminal laws can be used to prosecute individuals if warranted.<sup>iv</sup>

Furthermore, the timing of the proposed law is especially unfortunate. In 2012, the CDC issued recommendations that everyone born between 1945 and 1965 be tested for hepatitis C.<sup>v</sup> More than 75% of infected adults are Baby Boomers. We are in the midst of testing virtually all Baby Boomers for hepatitis C, and sexual history does not impact testing recommendations. All Baby Boomers should be tested, but the proposed law will create fear and stigma, hampering our efforts to do so. Most adults do not know that they have hepatitis C, and they will continue to be unaware and untreated if they do not get tested. Many will go untested if: 1. Our legislature mistakenly leads citizens to believe that sexual activity is the primary risk factor for hepatitis C, and 2. Testing could lead to felonious liability.

Please, I urge you to reject this bill, its bad science and the stigma it would create. The proposed law hampers my ability to keep our communities safe. Please vote NO on SB 1130.

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<sup>i</sup> <http://www.cdc.gov/hepatitis/C/cFAQ.htm#transmission>

<sup>ii</sup> <http://www.cdc.gov/hepatitis/HCV/>

<sup>iii</sup> <http://www.cdc.gov/hepatitis/HCV/HCVfaq.htm#section2>

<sup>iv</sup> <http://www.cdc.gov/hiv/policies/law/states/exposure.html>

<sup>v</sup> <http://www.cdc.gov/knowmorehepatitis/Media/PDFs/FactSheet-boomers.pdf>